

Att. Dkt. No.: 33836US00 (4081-08100)**Patent****REMARKS/ARGUMENTS*****Status of Claims***

Claims 1, 4, 19-20, 22, 29-30, 32, and 36 have been amended.

Claims 3, 18, 21, 28, and 31 have been canceled.

As such, claims 1-2, 4-17, 19-20, 22-27, 29-30, and 32-36 are currently pending in this application.

Applicants hereby request further examination and reconsideration of the presently claimed application.

Claim Rejection – 35 USC § 112

The various 112 rejections have been addressed via the foregoing amendments.

Claim Rejection – 35 USC § 103

Claims 1-36 stand rejected under 35 USC § 103(a) as being unpatentable over *Bergmeister* (WO 01/41923). Applicants respectfully submit that the prior art of record does not establish a *prima facie* case of obviousness as to the pending claims. According to MPEP 2142, three basic criteria must be met to establish a *prima facie* case of obviousness:

First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure.

Similarly, the fact that the Examiner has the burden of proof with respect to the elements of the *prima facie* case of obviousness is also well defined in MPEP 2142:

The initial burden is on the examiner to provide some suggestion of the desirability of doing what the inventor has done. To support the conclusion that the claimed invention is directed to obvious subject matter, either the references must expressly or impliedly suggest the claimed invention or the examiner must

Atty. Dkt. No.: 33836US00 (4081-08100)**Patent**

present a convincing line of reasoning as to why the artisan would have found the claimed invention to have been obvious in light of the teachings of the references.

The Examiner has not met the burden of establishing the *prima facie* case of obviousness because the prior art of record does not teach or suggest each and every element of the amended claims. Specifically, amended independent claims 1, 20, and 30 (and the remaining claims depending there from) recite a catalyst composition having less than about 0.3 weight % potassium and a molar ratio of potassium to fluoride of less than 2:1. In the Examples as described on page 8, lines 10-15 of the specification, Applicants demonstrated that such catalysts provide advantageous and surprising results when used in the presence of sulfur impurities. Accordingly, Applicants have further amended independent claims 1, 20, and 30 (and the remaining claims depending there from) to positively recite the presence of sulfur impurities. Applicants respectfully submit that the prior art of record does not teach or suggest such catalyst compositions as recited in the amended claims, nor does the prior art of record teach or suggest that use of such catalysts in the presence of sulfur impurities would yield the advantageous and surprising results demonstrated in the Examples. Thus, Applicants respectfully submit that the pending claims are allowable over the prior art of record.

Supplemental Information Disclosure Statement

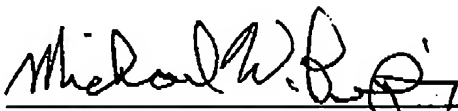
Applicants are filing a supplemental IDS concurrently with this response. Also, Applicants would like to specifically direct the Examiner's attention to Catalyst E on page 25 of prior art reference WO 01/41923 for consideration with respect to the pending claims.

*Atty. Dkt. No.: 33836US00 (4081-08100)**Patent***CONCLUSION**

Consideration of the foregoing amendments and remarks, reconsideration of the application, and withdrawal of the rejections and objections is respectfully requested by Applicants. No new matter is introduced by way of the amendment. It is believed that each ground of rejection raised in the Office Action dated December 12, 2005 has been fully addressed. If any fee is due as a result of the filing of this paper please appropriately charge such fee to Deposit Account Number 50-1515 of Conley Rose, P.C., Dallas, Texas. If a petition for extension of time is necessary in order for this paper to be deemed timely filed, please consider this a petition therefore.

If a telephone conference would facilitate the resolution of any issue or expedite the prosecution of the application, the Examiner is invited to telephone the undersigned at the telephone number given below.

Respectfully submitted,

Date: 3/13/2006
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